

Tab 1 of Defendants' Opening *Markman* Brief

Claim Language	Defendants' Proposed Construction
Claim 22	
a data transmission device capable of connecting directly to a communication network to allow transmission of data to a destination site from points of access to the network that are remote to the destination site	a device that transmits data and can be connected to a communication network without requiring a separate unit (such as a computer or modem) between the data transmission device and the network
wherein each of the components of the health tracker is part of a single, unified portable unit that may be used by an ambulatory patient	the data logger, time base, data storage unit and data transmission device are all included within a single, unified portable unit
a data logger that collects and records subjective data from a subject regarding the subject's psychological condition and subjectively observed physiological condition	<i>Invivodata's and CRF's proposal:</i> data which is input by the patient to the data logger, regardless of whether that data pertains to the subject or the subject's environment, and whether or not the information is objective or factual
Claim 34	
a data transmission device of the portable unit	<i>invivodata and CRF's proposal:</i> a device, included within the portable unit, that transmits data without requiring a separate unit (such as a computer or modem) between the data transmission device and the network <i>eTrials' proposal:</i> a device that transmits data and is included within the portable unit
that transmits data to the data storage location via a digital data network	the data transmission device transmits data to the data storage location via a network, other than a telephone network, that transmits data digitally rather than in analog form

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Claims 29 & 30	
29. A portable personal health tracker according to claim 22 further comprising a tactile input device on which the subject may write and the subject's writing is detected, said tactile input device generating a digitized representation of the detected writing	<i>Invivodata's and CRF's proposal:</i> digital data that represents the subject's handwriting
30. A portable personal health tracker according to claim 29 wherein the digitized representation of the subject's writing is transmittable via the data transmission device	
Claim 36	
wherein the digital data network comprises a public data network	<i>Invivodata's and CRF's proposal:</i> a publicly accessible network, other than a telephone network, that transmits data digitally
Claim 38	
wherein the data transmission device comprises a connection device that facilitates connection to the data network	the data transmission device includes a device, such as a modem or other data transfer device that uses a known data transfer protocol, which facilitates connection of the portable unit to the digital data network
Claim 39	
wherein the connection device comprises a modem that is connectable directly to a public telephone network	the data transmission device includes a modem, which can be connected to a public telephone network without requiring a separate unit (such as a computer or modem) between the data transmission device and the network
Claim 40	
wherein the connection device is connectable directly to a local data network access connection	the connection device can be connected directly to a local point of access for the digital data network without requiring a separate unit (such as a computer or modem) between the data transmission device and the local point of access